

ENTERED

October 13, 2017

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

FRANK JOSEPH DAYS,

Plaintiff,

VS.

FRANKIE REESCANO, *et al.*,

Defendants.

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CIVIL ACTION NO. 3:16-CV-194

ORDER OF DISMISSAL

The plaintiff in this prisoner civil rights case, Frank Joseph Days (TDCJ # 02004027), filed a motion for leave to proceed *in forma pauperis* (“IFP”) (Dkt. 4) but did not file an adequate prisoner trust fund account statement. The Court ordered Days to file a proper statement (Dkt. 15), but he never did so. It now appears that Days has been released from TDCJ custody, so the Court ordered Days to file an amended application to proceed IFP reflecting his current income and expenses (Dkt. 19). Days again did not respond.

A court may dismiss an action *sua sponte* for failure to prosecute or for failure to comply with any court order. *Larson v. Scott*, 157 F.3d 1030, 1031–32 (5th Cir. 1998). “This authority flows from the Court’s inherent power to control its docket and prevent undue delays in the disposition of pending cases.” *Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash Railroad Co.*, 370 U.S. 626 (1962)). Days has not complied with the Court’s orders requiring him to provide the

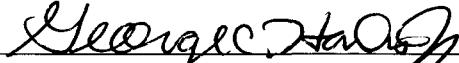
financial information necessary to evaluate his application to proceed IFP, and he may not pursue this case without either paying the filing fee or establishing his entitlement to proceed IFP.

Based on the foregoing, the Court **ORDERS** as follows:

1. This case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and for failure to comply with the Court's orders requiring the plaintiff to file a proper application to proceed IFP.
2. Any pending motions are **DENIED** as moot.

The Clerk is directed to provide a copy of this order to the parties.

SIGNED at Galveston, Texas on October 13, 2017.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE